IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23128 of 2004

Between:

Satyanarayana Goud, S/o Laxmaiah,
R/o 2-8/1, Marikal village, Dhanwada Mandal, Mahabubnagar District.

..... PETITIONER

AND

1 The District Panchayat Officer, Mahabubnagar District at Mahabubnagar District.
2 The Gram Panchayat, Marikal Village, Dhanwada Mandal, Mahabubnagar District, rep. by its Secretary.
3 Smt. S. Chennamma W/o Chennaiah,
R/o Marikal Village, Dhanwada Mandal, Mahabubnagar District,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in issuing the impugned proceedings L1/2004 dt. 8-12-2004 for demolition of the House bearing No. 2-8/1, of the petitioner at Marikal village Dhanwada Mandal, Mahabubnagar District, as illegal unlawful and contrary to law and against the principles of natural justice and consequently direct the respondent not to demolish the same without proper enquiry and opportunity and to pass

Counsel for the Petitioner:MR.M.DAMODAR REDDY

Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to be owner of house No.2-8/1, Marikal village, having constructed the same in the year 1986 by obtaining permission from the Gram Panchayat dated 27-2-1986. It is stated that the petitioner has opened a door to his compound facing eastern side of his house, duly obtaining permission from the respondents 1 and 2. Questioning the said action, the third respondent herein stated to have filed suit in O.S.No.15 of 1998 on the file of the Junior Civil Judge, Narayanapet and further filed a C.M.A.No.54 of 1999 on the file of the Sub Court, Narayanpet. It is stated that the trial Court and Appellate Court had held that the petitioner has not encroached the public road and thereafter the third respondent has also filed a Civil Revision Petition before this Court in C.R.P.No.3065 of 2000. It is further stated that the third respondent filed Writ Petition NO. 8084 of 2000 before this Court and the same was disposed of directing the respondents therein to conduct an enquiry into the allegation of encroachment of public road and to take action under section 96 and 98 of the A.P.Gram Panchayat Act, 1994. Pursuant to the said orders, the second respondent issued the impugned order directing the petitioner to remove the encroachment made on the road within seven days to keep open 12 feet road, else the same would be demolished. The petitioner stated to have filed a representation dated 11-12-2004 to the second respondent and filed the present writ petition questioning the order dated 8-12-2004 on
13-12-2004 itself.

This Court while issuing notice to the respondents, on 13-12-2004 directed to maintain status quo existing as on the said date. Pursuant to the notice, the learned Government Pleader for Panchayat Raj produced the relevant record and submitted that pursuant to orders of this Court in W.P.8084 of 2000, the Executive Officer of the second respondent Gram Panchayat has initiated an enquiry and submitted a report stating that the petitioner herein has encroached upon certain portion of the land,

which is meant for Cart Track. It is also stated that final orders were not yet passed.

Heard learned counsel for petitioner, learned Government Pleader for Panchayat Raj and Standing Counsel for second respondent. Counsel appearing for respective parties, agreed for disposal of the writ petition at the admission stage.

The petitioner having filed an explanation/representation to the second respondent on 11-12-2004, without waiting for passing of final orders, rushed to this Court, by filing the present writ petition. More over, the record reveals that an enquiry was conducted in the matter and a report was also submitted and final orders are yet to be passed.

In the above circumstances, I deem it appropriate to dispose of the writ petition directing the respondents to pass final orders in accordance with law expeditiously. Till such time status quo order granted by this Court on 13-12-2004 shall continue. It is needless to mention that, if the petitioner is aggrieved by the final orders, it is open for him to challenge the same before appropriate forum.

Accordingly, the writ petition is disposed of at the stage of admission.

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N.V.RAMANA,J

28-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Panchayat Officer, Mahabubnagar District at Mahabubnagar District.
2 The Secretary, Gram Panchayat, Marikal Village, Dhanwada Mandal, Mahabubnagar District.
3 Smt. S. Chennamma W/o Chennaiah,
R/o Marikal Village, Dhanwada Mandal, Mahabubnagar District,

4.2CCs to G.P. for Panchayat Raj, High Court of A.P. buildings, Hyderabad

(OUT)

5.2CD copies

6.2CCs to